

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

WINE COUNTRY, LLC

CIVIL ACTION NO. 08-cv-1010

VERSUS

JUDGE HICKS

UNITED FIRE & CASUALTY COMPANY

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Stoneridge Auto, LLC removed this civil action based on an assertion of diversity jurisdiction. The court has reviewed the Notice of Removal in accordance with its obligation to ensure the existence of subject matter jurisdiction, which Stoneridge has the burden of establishing. Stoneridge must provide a few additional facts, as explained below, to ensure that it has met its burden.

Stoneridge asserts that it is a limited liability company “with its single member domiciled in the State of California.” Stoneridge should state in an amended notice of removal the identity of that single member, or at least a specification as to whether the member is an individual, corporation, or other form of entity. If the member is an entity, its citizenship should be alleged with specificity, in accordance with the rules applicable to the entity. The rules can be found in Buddy Albin Const. & Elec. Co., LLC v. Ambling Const. Co., LLC, 2008 WL 161922 (W.D. La. 2008). The court has found in past cases that parties sometimes mistakenly assert that a member or all members of an LLC or partnership are

citizens of a particular state when, on examination of the underlying facts, that was not the case. Specific facts on the issue at this early stage of the litigation will put this issue to rest.

Stoneridge asserts that Plaintiff, Wine Country, LLC, is a limited liability company “with each of its members domiciled in the State of Louisiana.” Stoneridge, in support of that assertion, references the introductory paragraph of Wine Country’s petition, but that paragraph simply states that Wine Country is a Louisiana LLC with a principal place of business in Caddo Parish. It does not identify the members of the LLC or the states in which the members are citizens (which determines citizenship for diversity purposes). Stoneridge should include in its amended notice of removal specific information about the members of Wine Country and their states of citizenship. Counsel for Wine Country is encouraged to voluntarily provide this information to Stoneridge. If needed, Stoneridge is granted leave to conduct discovery on the issue. Stoneridge should file its amended notice of removal by **August 4, 2008**.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 18th day of July, 2008.



MARK L. HORNSBY
UNITED STATES MAGISTRATE JUDGE